

**EAST LYME INLAND WETLANDS AGENCY  
SHOW CAUSE HEARING  
JUNE 15, 2015**

**The East Lyme Inland Wetlands Agency held a Show Cause Hearing on the Cease, Desist & Correct Orders issued to John Bialowans for property located at 57 Walnut Hill Road, Assessor's Map #48.0, Lot #56-1, East Lyme, Connecticut.**

**Chairlady Lozanov opened the Show Cause Hearing and called it to order at 6 p.m.**

**PRESENT: Cheryl Lozanov, Chairperson; Chuck Reluga, Vice-Chair; Norm Bender; Keith Hall; Phyllis Berger and Harry Clarke**

**ALSO PRESENT: Attorney O'Connell; Gary Goeschel, Inland Wetlands Agent; John Bialowans; Carol Murcko and Joan Bengtson**

**ABSENT: Joseph Mingo, Member**

**The pledge of allegiance was observed.**

FILED IN EAST LYME  
CONNECTICUT  
June 15, 2015 AT 1:55 AM/PM  
*Junelle*  
EAST LYME TOWN CLERK

**Show Cause Hearing**

**1. Cease, Desist, and Correct Order-57 Walnut Hill Road;** for the clearing, grubbing, grading and removal of material on the land within 100 feet of a watercourse which activities have been conducted in noncompliance with the terms, conditions and limitations set forth in Permit #14-29 and has exceeded the scope of the work as set forth in the application including application plans at property located at 57 Walnut Hill Road, Assessor Map #48.0, Lot #56-1, East Lyme, Connecticut.

Mr. Goeschel gave members in their packets a copy of the order and photos he took at the site for their review. The issue is the applicant enclosed a lot line revision with his application which was approved by the Planning Department. However, it has not yet been recorded on the Land Records. Conditions of the permit was to notify the Conservation Officer two days prior of beginning work to inspect that erosion and sedimentation controls were installed on the site.

John Bialowans of 61 Walnut Hill Road, East Lyme, felt this was a misunderstanding with his surveyor and attorney. He stated he did begin working in the area and used wood chips. He referred to this Agency's April 13 Meeting Minutes and letter dated March 2, 2015 from Judy Rondeau, Natural Resource Specialist, from Eastern Connecticut Conservation District, Inc. stating he could use wood chips instead of a silt fence, which he presented to this Agency. (See attached Exhibit A) He thought his attorney and surveyor took care of everything, and he could proceed.

Ms. Lozanov stated we are here to correct what has already happened. Ms. Lozanov informed Mr. Bialowans this Agency is here to protect the wetlands and in our best way to protect the homeowner. She observed the area he was working in and noted it is very

steep. She would like to discuss what would be appropriate for erosion and sedimentation control and what the expectations are for what he is doing. Mr. Bialowans stated he put hay bales inside the tributary. Ms. Lozanov stated there was supposed to be a relocation of the lot lines. She informed him you should have turned in the mylar for the lot line revision to the Town Hall before the work was started. You also needed to notify Mr. Goeschel two days prior to beginning work. You have done much more clearing than was expected. She asked do you have a plan for a tree nursery? Mr. Bialowans stated we have planted some trees and have fifty more to plant, but we need to remove the ledge. He felt he could pull out the softer ledge, but if he has to go deeper he will need to rent an excavator or possibly have it blasted out. Ms. Lozanov informed him if you have to blast the ledge, it will be a change in the permit and you will need to come back to this Agency and see our Enforcement Officer.

Mr. Goeschel informed Mr. Bialowans if erosion and sedimentation controls are installed, he will visit the property tomorrow and make recommendations.

Mr. Goeschel recommended that the Chairlady require a date that the lot line be filed. Ms. Lozanov stated the Cease and Desist Order is in place until we receive it. Mr. Bialowans agreed to see his surveyor tomorrow. Attorney O'Connell informed him you have ten days to get the lot line into the Town Hall. Ms. Lozanov informed him you cannot do any more work in the area until the Town receives the mylar. She added our next meeting is July 13, and we would like to have it prior to that date. She asked that he keep Mr. Goeschel informed of his progress

**MOTION (1):**            **Mr. Hall moved that upon filing a mylar and deed for the lot line revision that this Agency will lift the Cease and Desist Order, and in the meantime that erosion and sedimentation controls are to be maintained to the satisfaction of Mr. Goeschel, and that Mr. Bialowans is to give two days notice to Mr. Goeschel prior to starting work. Seconded by Mr. Bender. (6-0) Unanimous.**

A Special Meeting of this Agency will be held on June 24 at 7 p.m.

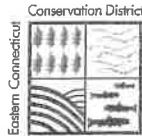
**MOTION (2):**            **Mr. Clarke moved to adjourn the East Lyme Inland Wetland Agency Show Cause Hearing of June 15, 2015 at 6:38 p.m. Seconded by Mr. Hall. (6-0) Unanimous.**

**Respectfully submitted,**

**Frances Gheri, Recording Secretary**

# EASTERN CONNECTICUT CONSERVATION DISTRICT, INC.

238 West Town Street  
Norwich, CT 06360-2111  
(860) 887-4163, Ext. 400



www.ConserveCT.org/eastern

139 Wolf Den Road  
Brooklyn, CT 06234  
860-774-9600

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2 March 2015

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61 Walnut Hill Road  
East Lyme, CT. 06333

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Dear Mr. Bialowans,

You have inquired about the benefits of using a woodchip berm in place of silt fencing as an erosion and sedimentation (E&S) control measure for a proposed driveway crossing on your property. A relatively unused alternative to traditional E&S control measures such as silt fence or staked hay bales, woodchip berms make an excellent E&S control, and provide both water quantity and quality benefits.

Woodchip berms are easy to install and require less maintenance than silt fencing. A woodchip berm functions by absorbing moisture from both rainfall and ponded water. As the woodchips swell, they become heavy and lock together, creating a stable mass (note that larger woodchips lock together better than smaller ones, improving the berm stability). As the bottom of the berm gets soaked, capillary action draws moisture to the berm's center. Once the berm becomes saturated, it becomes "leaky," allowing water to seep safely through along its entire length. Water that passes through the berm is treated so that suspended sediments and common pollutants, including nitrogen and bacteria, are removed. It is recommended that the berm be twice as wide as it is high for maximum stability.

Further, woodchip berms do not need to be removed from the site once the project is completed. The decayed woodchips can be used to amend the native soil and can be easily spread or incorporated into the soil. Woodchips spread over bare or disturbed soil can function as an erosion blanket and be used as a base for the re-establishment of vegetation.

I have included some literature regarding woodchip berms with this letter for your use. I hope this provides the information you need for your project. Please don't hesitate to contact me if you have any questions or need additional information.

Respectfully submitted,

Judy Rondeau, MSc., CPESC  
Natural Resource Specialist



# *Erosion Prevention & Sediment Control Field Handbook*

**For small scale utility projects  
Hamilton County, Ohio**



**The Hamilton County  
Soil and Water Conservation District**



**The Metropolitan Sewer District  
of Greater Cincinnati**

## MULCH/FILTER BERMS



**DESCRIPTION** Filter berms are sediment trapping practices that utilize a compost/mulch material and are typically installed with pneumatic equipment. Filter berms reduce sediment from runoff by slowing and filtering runoff and dissipating flow.

**CONDITIONS WHERE PRACTICE APPLIES** Filter berms are appropriate on nearly level ground or slopes up to 5:1, where runoff occurs as sheet flow. Filter berms cannot effectively treat flows in gullies, ditches, or channels. For more severe conditions see specifications for temporary diversions, sediment traps and sediment basins.

**MATERIALS** Compost/mulch used for filter berms shall be weed free and derived from a well-decomposed source of organic matter. The compost shall be produced using an aerobic composting process meeting CFR 504 regulations, including time and temperature data indicating effective weed seed, pathogen and insect larvae kill. The compost shall be free of any refuse, contaminants or other materials toxic to plant growth.

**LEVEL CONTOUR** Filter berms must be placed on the level contour of the land so that flows are dissipated into uniform sheet flow that has less energy for transporting sediment. Filter berms should never concentrate runoff, which will occur if it is placed up and down slopes rather than on level contour.

**FLAT SLOPES** If at all possible, filter berms should be placed away from the toe of a slope and on the flattest area available. This allows the sheet flow energy to dissipate and allows for a greater storage area for sediments.

FILTER BERM SPACING FOR APPLICATIONS INSTALLED ALONG THE CONTOUR		
Ratio (H:V)	% Slope	Recommended Spacing
< 20:1	5% or less	300' with max. 1 acre per 500 lineal feet
20:1 – 10:1	5 to 10%	75 foot intervals
9:1 – 5:1	10 to 20%	50 foot intervals